

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JASON MICHAEL MILLER,

Plaintiff,

v.

Case Number 11-15309  
Honorable David M. Lawson

CAREN ALBERCOOK, PRISON HEALTH  
SERVICES, INC., MDOC BUREAU OF  
HEALTHCARE SERVICES, BHAMINI SUDHIR,  
CRYSTAL M. JONES, LYNETTE O'CONNOR,  
SCOTT SAKALL, SUSAN E. THOMAS,  
MELINDA BREAUULT, DONNA J. OWEN,  
GLORIA BAEZ, RICHARD SCHNIDER,  
TERRI BERGER, J. SHARPLEY, CONNIE  
IVES, RICHARD DASE, SIRENA K.  
LANDFAIR, DEBRA SCUTT, PAMELA L.  
SANDERS, and THE MICHIGAN  
DEPARTMENT OF CORRECTIONS,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND DENYING PLAINTIFF'S RENEWED MOTION FOR PRELIMINARY  
INJUNCTION WITHOUT PREJUDICE**

Presently before the Court is the report issued on January 16, 2013 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court deny without prejudice the plaintiff's renewed motion for a preliminary injunction. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to

independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #58] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's renewed motion for a preliminary injunction [dkt. #43] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson  
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DAVID M. LAWSON  
United States District Judge

Dated: February 6, 2013

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 6, 2013.

s/Deborah R. Tofil  
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DEBORAH R. TOFIL